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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

**THE PEOPLE,**  
**Plaintiff and Respondent,**  
**v.**  
**BENITA R. SMITH,**  
**Defendant and Appellant.**

**A100808**  
**(Solano County**  
**Super. Ct. No. 197869)**

Benita R. Smith appeals from a judgment entered after she pleaded no contest to one count of perjury. (Pen. Code, § 118.) She contends two probation conditions imposed by the trial court were invalid. We disagree and will affirm the judgment.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

In July 1998, appellant applied for a California Identification Card using the name Ruth Vanetta Armstrong. As part of her application appellant stated, under penalty of perjury, that she had never applied for an identification card or driver's license under a different name.

In April 2000, appellant applied for a California Driver's License under the name Ruth Vanetta Armstrong. Again appellant stated, under penalty of perjury, that she had never applied for a driver's license under a different name.

Both of appellant's statements were false. In fact, appellant had applied for a driver's license using her true name in 1995, 1997, and 1998.

Appellant's brother and sister reported the crime to the Department of Motor Vehicles.

Based on these facts, a complaint was filed charging appellant with one count of perjury. Appellant pleaded no contest to the charge.

A probation report was prepared prior to sentencing. Appellant told probation authorities that she had been experiencing financial difficulties and that she had obtained the identification card and driver's license in order to ease her predicament. Using her false identity, appellant had purchased a car and had established various credit accounts.

The trial court reviewing this evidence suspended the imposition of sentence and placed appellant on probation for three years. As is relevant here, the court ordered appellant to attend a "theft class" and imposed a search condition.

This appeal followed.

## II. DISCUSSION

Appellant contends the probation conditions requiring her to attend a "theft class" and to submit to a search are invalid.

Trial courts are granted broad discretion to formulate conditions of probation. (*People v. Lent* (1975) 15 Cal.3d 481, 486.) Such a condition may be invalidated only if it (1) has no relationship to the crime of which the offender was convicted, (2) relates to conduct which is not in itself criminal, and (3) requires or forbids conduct which is not reasonably related to future criminality. (*Ibid.*)

Turning first to the "theft class," appellant contends the condition is invalid because she "obtained nothing of value" as the result of her criminal activities, and thus there was no relationship between the condition and her crime. We disagree. Appellant used her false identification card and driver's license to purchase a car and to establish credit accounts. Appellant clearly obtained valuable benefits to which she was not otherwise entitled because of her crime. There was a direct relationship between appellant's crime and the requirement that she attend a "theft class."

Turning to the search condition, appellant contends it was invalid because the condition was "not reasonably related to [her] offense . . . ." Again, we disagree. Appellant perjured herself in order to obtain false identification documents. Then, using those false documents, appellant purchased a car and established credit accounts under a

false name. The trial court could reasonably conclude that a search condition was warranted because it would allow the authorities to enter appellant's home and determine if she was engaging in similar documentary fraud.

We conclude the trial court did not abuse its discretion when it imposed "theft class" and search conditions as part of appellant's probation.

### III. DISPOSITION

The judgment is affirmed.

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Jones, P.J.

We concur:

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Simons, J.

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Gemello, J.